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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Zanzi

For: Portable Cellular Telephone And Communication System Thereof

Serial No.: 10/088,371

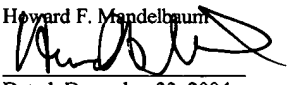
Filed: 12/2/2002

Examiner: Tran

Group Art Unit: 2683

Attorney Docket No.: METR0410US

I certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 23, 2004.

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Dated: December 23, 2004.

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Sir:

RESPONSE TO OFFICE ACTION

Claims 1-15 are in the application. All of the claims have been rejected under 35 U.S.C. § 103 as obvious over Nickum in view of Mardirossian. The rejection is respectfully traversed.

Claims 1 and 12, the only independent claims in the application, each require, inter alia,

a. a first part comprising interface means for performing subscriber interface functions

b. a second part comprising transceiver means for

transmitting and receiving over a telecommunications cellular telephone network

c. said first part and second part being in bidirectional communication with each other when separated,

d. said first part further comprising means for wireless communication with a further telecommunications network or with a telecommunication station.

Nickum discloses three mutually connectable appliances, namely, a cell phone, a pager which can be connected to or removed from the cell phone, and a computer within which the cell phone can be nested and from which it can be removed. As the Examiner has acknowledged, Nickum's cell phone, pager, and computer are not in bi-directional communication with each other when separated.

Mardirossian has been cited as disclosing a portable cell phone and pager in communication with each other. The Examiner asserts that it would have been obvious to use Mardirossian's pager in Nickum's portable communication apparatus.

Applicant submits that there is no reason why one skilled in the art would want to use Mardirossian's teachings in connection with Nickum's apparatus. Nickum teaches that a pager, cell phone and computer can be mutually connected to share power from a single battery, and that they are "each fully functional on their own without any requirement of assistance from the other devices." Col. 2, line. 25

The connection between Nickum's devices also enables one to work with the other. As stated at Col. 2, line 34 of Nickum

When combined in the connected mode, the portable computer, cellular telephone, and personal pager operate as a single unit with the functional capability of all three devices. The cellular telephone may act as the communication line over which a modem in the portable computer connects to a network or other ISP, and the personal pager may be integrated with the cellular telephone and the portable computer to control certain functions of the telephone and the computer, such as alerts, power up or down, and the like.

Were Mardirossian's cell phone and pager to be substituted for Nickum's cell phone and pager, none of the objectives sought by Nickum would be achieved. The three units could not share power. Nor could they "operate as a single unit with the functional capability of all three devices."

The cellular telephone could not act as the communication line over which a modem in the portable computer connects to a network or other ISP. Nor could the personal pager be integrated with the cellular telephone and the portable computer to control certain functions of the telephone and the computer, such as alerts, power up or down, and the like.

The signal transmitted by Mardirossian's pager, when received by the cell phone, causes an audible alarm in the cell phone to sound. The alarm is responsive only to the presence of the signal, not to any transmitted message or information. The signal is not modulated with any information to be communicated nor is there any means for modulating the signal in Mardirossian's pager.

Neither Nickum nor Mardirossian provide any hint at any advantage to be obtained by combining their teachings. Nor is any